

REMARKS

In the final Office Action mailed June 8, 2005, claims 9-12, 14-34, and 39-42 were pending. Claims 20-22, 29 and 34 have been withdrawn from consideration, claims 9-12 and 14-19 are allowed, and claim 40 was objected to for depending from a rejected base claim, but was indicated to be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 23-28, 30-33, 39, 41 and 42 stand rejected. Reconsideration of the present application as amended and including claims 9-12, 14-34 and 39-42 in view of the remarks that follow is respectfully requested.

The specification has been amended in the priority claim to reflect that the parent application has matured into a granted patent. Entry of the amendment to the specification is respectfully requested.

Claim 40 has been amended to incorporate the features of original claim 39 and is written in independent form. Claim 40 is allowable as indicated in the office action.

Claims 23-27, 30-32, 39 and 41 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,488,543 to Tornier. In response to Applicants' arguments in the previous response, the Office Action asserts that the "key issue appears to be whether or not, with regard to Tornier, the second fastener 4 is 'positionable' with the second opening right 6. The terminology '*positionable*' does not require any positive structural relationship between the second fastener and the second opening." While it is respectfully submitted that Tornier does not disclose, either expressly or inherently, the arrangement of elements as recited in claims for the reasons set forth in applicants' previous response, claims 23, 30 and 39 have been amended in this response to recite a

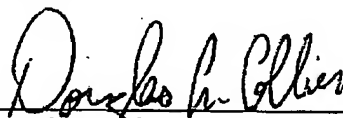
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positive structural relationship between the fastener and the plate. Accordingly, withdrawal of the rejection of these claims over Tornier is respectfully requested.

The present amendments have been made to advance prosecution of the present application to a Notice of Allowance. No acquiescence in the rejections made with respect to the claims is hereby made, and applicants' reserve the right to present the amended claims in their original form in a continuing application.

Reconsideration of the present application as amended and including claims 9-12, 14-34 and 39-42 in view of this response is respectfully requested. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted:



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